

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
Miami Division**

CASE NO.: 1:25-cv-20550-PCH

DRIVEN, P.S.C., as the Liquidation Receiver for  
NODUS INTERNATIONAL BANK, INC.,

Plaintiff,

v.

TOMAS NIEMBRO CONCHA;  
MORELLA RINCON DE NIEMBRO;  
JUAN FRANCISCO RAMIREZ;  
MARIA GABRIELA VASQUEZ DE RAMIREZ;  
NODUS FINANCE, LLC;  
OCEANA KEY BISCAYNE CORPORATION;  
and JOSE G. SUAREZ;

Defendants.

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**PLAINTIFF’S UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE  
OMNIBUS BRIEF IN RESPONSE TO MOTIONS TO DISMISS [DE 43-48]  
AND FOR LEAVE TO EXCEED PAGE LIMITS**

Plaintiff, Driven, P.S.C., as the Liquidation Receiver for Nodus International Bank, Inc., (“Plaintiff”), respectfully moves for leave to file an omnibus brief in response to the six separate motions to dismiss filed by Defendants [DE 43, 44, 45, 46, 47, and 48], for an extension of time in which to file its omnibus brief, and for leave to exceed page limits by up to ten (10) pages, and in support states:

1. Plaintiff filed its complaint on February 6, 2025 [DE 1].
2. Defendants (except for Oceana Key Biscayne Corporation, which has not responded to the Complaint) have filed six separate motions to dismiss [DE 43 through 48].

3. Nearly all raise the same issues regarding: standing, whether Defendants Tomas Niembro and Juan Ramirez owed a fiduciary duty to depositors, whether the conspiracy claims are adequately pled, and whether Plaintiff has stated a claim for conversion.

4. In addition, three Defendants argue that the Complaint is a shotgun pleading, two Defendants raise a question of venue, and one Defendant raises an argument regarding applicable law.

5. Plaintiff believes that it will serve the interest of judicial economy to file a single, *omnibus* response to all six motions, and asks that the Court grant Plaintiff leave to do so. This would of course be without prejudice to each Defendant's right to reply separately.

6. Plaintiff further asks that the Court grant an extension of time up to and including April 25, 2025 in which to file its omnibus response brief.

7. Because Plaintiff intends to address all arguments in one brief, Plaintiff also asks for leave to exceed the page limit of Local Rule 7.1(c)(2), allowing Plaintiff to file an omnibus response of up to thirty (30) pages.

8. This motion is not brought for purposes of delay and no Defendant objects to the relief sought herein.

WHEREFORE, Plaintiff respectfully requests that this Court enter an Order granting Plaintiff the following relief:

1. Leave to file an omnibus response to all motions to dismiss [DE 43 through 48];
2. An extension of time up to an including April 25, 2025 in which to file the omnibus response;
3. Leave to exceed the pages limits of Local Rule 7.1(c)(2) by up to ten (10) pages in the omnibus response, and such other and further relief as the Court deems just and proper.

**LOCAL RULE 7.1(a)(3) CERTIFICATION**

Pursuant to Local Rule 7.1(a)(3), the undersigned certifies that he has conferred via email with all counsel of record, and that no Defendant objects to the relief sought herein.

Dated: April 4, 2025

Respectfully submitted,  
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*Counsel for Plaintiff Driven, P.S.C. as the  
Liquidation Trustee for Nodus International Bank,  
Inc.*